IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 5928 of 2005

Between:

Smt.Miriyala Seshamma ., W/o.Late Laxminarsimha Rao
R/o.Julurpad, Rep by her Special General Power of Attorney Agent

and adopted Son-Miryala Achyutha Rao,
S/o.Late Laxminarasimha Rao, 44 yrs, R/o.Julurpad (V) & (M),

Khammam District.

..... PETITIONER

AND

1 The District Collector and Agent to the Government
Khammam.
2 The Mandal Revenue Officer,
Julurpad Mandal, Khammam District.
3 The Station House Officer,
Julurpad Police Station, Khammam District.
4 Parvathaneni Jayakumar @Vijay Kumar, S/o.Rama Chandra Rao,
R/o.Sundaraiah Nagar, Near Madhu Junior College Gate, Wyra,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or orders and more particularly in the nature of Writ of Mandamus declaring that the acts, deeds and things of the respondent No.1 herein vide orders made in I.A.No.9 of 2005, dated 09-02-2005, in directing the respondents 2 and 3 herein to give protection to the respondent No.4, for the land admeasuring acres 9.05 guntas in Survey No.25 situated at Gundepudi Village, Julurpad Mandal, Khammam District (schedule property as stated in the impugned order), when the proceedings in S.A.No.1090 of 2001 are pending before this

Hon'ble Court, are illegal, malafide, arbitrary, violative of principles of natural justice and much against to the legal and fundamental rights guaranteed under the Constitution of India and consequently set aside the orders of the respondent No.1 made in I.A.No.9 of 2005 dt.09-02-2005, by calling the entire records, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.PALIVELA SATYARAJA BABU

Counsel for the Respondents 1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

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Aggrieved by the order dated 09-02-2005, passed by the 1st respondent purporting to be under Rule 42 of the A.P.Agency Rules, 1924 (for short 'the Rules'), this writ petition is filed.

The contention of the learned counsel for the petitioner is that as Rule 42 of the Rules, under which the impugned order is passed by the 1st respondent, can be invoked only in case of matters pending before the 1st respondent, and since admittedly no case is pending before the 1st respondent, and, as seen from the impugned order, a case in S.A.No.1090 of 2001 is pending before this Court, 1st respondent passing the order impugned without issuing notice to the petitioner and without affording an opportunity of being heard, is wholly without jurisdiction and is contrary to the Rules and so the same is liable to be set aside.

By the order impugned, the 1st respondent directed the Mandal Revenue Officer, Julurupad Mandal, Khamman District and the Station House Officer, Julurupad Police Station to implement the High Court order, dated 02-04-2002, in

C.M.P.No.22864 of 2001 in S.A.No.1090 of 2001. By directing the Mandal Revenue Officer and the Station House Officer, Julurupad to implement the orders passed by this Court 1st respondent did not commit any irregularity or illegality. If any order contrary to the order passed by this Court, was passed by the 1st respondent, petitioner can be said to be aggrieved.

Even without filing any petition or a petition under Rule 42 of the Rules, any person in whose favour an order is passed by a Court, can approach the Collector, who is incharge of the administration of the Agency Area, and make a request to implement that order. So merely because Rule 42 of the Rules was invoked by the 4th respondent to move the 1st respondent for implementation of the order of this Court, the order passed by the Collector would not become an order without jurisdiction.

Since the petitioner cannot be said to be aggrieved by the 1st respondent directing implementation of the orders of this Court, I find no ground to admit this petition.

The writ petition accordingly is dismissed. No costs.

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(C.Y.SOMAYAJULU, J)

Dated: 22nd March, 2005.

vs

To

1 The District Collector and Agent to the Government
Khammam.
2 The Mandal Revenue Officer,
Julurpad Mandal, Khammam District.
3 The Station House Officer,
Julurpad Police Station, Khammam District.
4 Two CCs to the G.P for Revenue, High Court of A.P.,

Hyderabad(O.U.T).

5 2 CCs to the G.P for Home, High Court Buildings, Hyderabad. (OUT)

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